

# United States Court of Appeals For the First Circuit

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No. 15-1542

UNITED STATES,

Appellee,

v.

JOSEPH BURHOE, a/k/a Jo Jo,

Defendant, Appellant.

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No. 15-1612

UNITED STATES,

Appellee,

v.

JOHN PERRY,

Defendant, Appellant.

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Before  
Torruella, Kayatta, and Barron,  
Circuit Judges.

**ORDER OF COURT**  
**Entered: December 21, 2017**

The government's petition for panel rehearing, filed November 20, 2017, is denied. We clarify that our opinion issued on September 8, 2017 does not address the merits of "the alternative legal theory that if the pursuit of unwanted and superfluous work were a legitimate labor objective (as we hold in this appeal), then force, violence, or fear (including fear of economic loss) may not be used to obtain that objective," because the government waived that theory. United States v. Burhoe, 871 F.3d 1, 21 n.17 (1st Cir. 2017).

By the Court:  
/s/ Margaret Carter, Clerk

cc:

Hon. Denise Jefferson Casper  
Robert Farrell, Clerk, United States District Court for the District of Massachusetts  
Miriam Conrad  
Judith H. Mizner  
Joseph Burhoe  
Christine DeMaso  
Timothy E. Moran  
Susan G. Winkler  
Dina Michael Chaitowitz  
Laura Jean Kaplan  
Randall Ernest Kromm  
Ross Brandon Goldman  
Matthew D. Thompson  
Thomas J. Butters  
Michael R. Schneider  
Jeffrey Harris